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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,939	01/26/2001	Brian Edward Calvert	PF01763NA	5499

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EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,939

Applicant(s)

CALVERT ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. In view of the Appeal Brief filed on 8/24/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1 – 8, 11 – 26, 31 – 34, 36 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (hereinafter APA) in view of Chern et al. (US 2003/0060211 A1).

Regarding claim 1, the admitted prior art discloses determining an approximate geographic location of the communication device (APA: Page 1, lines 26 – 37). However, the admitted prior art as applied above does not specifically disclose transmitting to the communication device, based on the approximate geographic location, at least a request for a more accurate geographic location of the communication device; receiving from the user input device of the communication device the more accurate geographic location; and conveying the more accurate geographic location to a target device. In an analogous art, Chern remedies the deficiencies of the admitted prior art by disclosing such limitation whereas the server (Fig. 2, 136), prompts to the user of the handset, questions about parameters to refine the request and the server uses the refined request to retrieve data from database whereas it would have been obvious to one of ordinary skill in the art that the user of the handset would use a user interface such as keypad to respond to the prompt sent by the server (Chern: Page 2, Paragraph 0030, lines 9 – 11; Paragraph 0032, lines 1 – 9; Paragraph 0035, lines 1 – 20; Page 3, Paragraph 0046, line 1 through Paragraph 0047, line 5 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Chern to the system of

the admitted prior art in order to provide a location based information retrieval system that efficiently delivers accurate location based information only when the user of the handset needs it, thus, saving network resources.

Regarding claim 2, APA in view of Chern as applied above discloses prior to the step of determining the approximate geographic location of the communication device, receiving a request for a geographic location of the communication device from a requesting device, the request identifying the target device (it would have been obvious to one of ordinary skill in the art that the handset has to be registered with the communication system in order to receive location based service and the user of the handset is the one requesting location based information to the server (target device = requesting device), therefore, the system has already registered the handset; Chern: Page 5, Paragraph 0062, lines 1 – 12).

Regarding claim 3, APA in view of Chern as applied above discloses wherein the requesting device is the target device (Chern: Page 5, Paragraph 0062, lines 1 – 12).

Regarding claim 4, APA in view of Chern as applied above discloses wherein the requesting device is the communication device (Chern: Page 4, Paragraph 0051, line 1 through Paragraph 0052, lines 9).

Regarding claim 5, APA in view of Chern as applied above discloses transmitting to the communication device a map of an area that includes the

approximate geographic location of the communication device (Chern: Page 3, Paragraph 0043, line 9 through Paragraph 0044, line 21).

Regarding claim 6, APA in view of Chern as applied above discloses wherein the step of receiving the more accurate geographic location comprises the step of receiving information identifying a location of the communication device on the map (Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11).

Regarding claim 7, APA in view of Chern as applied above discloses a modified representation of the map indicating the location of the communication device (displayed or audibly rendered to the user; Chern: Page 3, Paragraph 0044, lines 1 – 21).

Regarding claim 8, APA in view of Chern as applied above discloses textual information and graphical information further identifying the location of the communication device (Chern: Page 3, Paragraph 0044, lines 1 – 21).

Regarding claim 11, APA in view of Chern as applied above discloses transmitting to the communication device a textual description of an area that includes the approximate geographic location of the communication device (Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11).

Regarding claim 12, APA in view of Chern as applied above discloses transmitting a request to the communication device for the approximate geographic location; and receiving the approximate geographic location from the

communication device responsive to the transmitted request (APA: Page 1, lines 26 – 37).

Regarding claim 13, APA in view of Chern as applied above discloses conveying a map to the target device, wherein the map indicates the more accurate geographic location (Chern: Page 3, Paragraph 0044, lines 1 – 21 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 14).

Regarding claim 14, APA in view of Chern as applied above discloses conveying a textual description of the more accurate geographic location to the target device (Chern: Page 3, Paragraph 0044, lines 1 – 21 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 14).

Regarding claim 15, APA in view of Chern as applied above discloses wherein the more accurate geographic location includes information indicating a height of the communication device (Chern: Page 3, Paragraph 0040, lines 1 – 13).

Regarding claim 16, APA in view of Chern as applied above discloses determining a location of the target device; and conveying supplemental information related to both the location of the target device and the more accurate geographic location of the communication device to the target device (Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11).

Regarding claim 17, APA in view of Chern as applied above discloses wherein the supplemental information is based on a distance between the communication device and the target device (driving distance and direction;

Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11 and Page 5, Paragraph 0062, line 1 through Paragraph 0065, line 15).

Regarding claim 18, APA in view of Chern as applied above discloses wherein the supplemental information comprises at least one of a city, a state, and a country when the communication device is located a substantial distance from the target device (destination address includes city and/or state information as well; Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11 and Page 5, Paragraph 0062, line 1 through Paragraph 0065, line 15).

Regarding claim 19, APA in view of Chern as applied above discloses wherein the supplemental information comprises at least one of directions to the more accurate geographic location of the communication device from the location of the target device, an approximate distance between the more accurate geographic location of the communication device and the location of the target device, and an approximate commute time between the location of the target device and the more accurate geographic location of the communication device (the user of the handset is provided with choices such as shortest possible route, interstate route, safest route, most scenic route, etc. whereas each one of those choices is an indication of how long the trip will take and is up to the user of the handset to choose the best route according to the situation the user is in and the server will perform route calculation and conveys the information to the user accordingly; Chern: Page 3, Paragraph 0044, line 1 through Paragraph 0045, line 11 and Page 5, Paragraph 0062, line 1 through Paragraph 0065, line 15).

Regarding claim 20, APA in view of Chern as applied above discloses prior to the step of transmitting at least a request determining whether the approximate geographic location of the communication device is different than a previous approximate geographic location of the communication device; and when the approximate geographic location of the communication device is different than a previous approximate geographic location of the communication device, automatically transmitting a map to the communication device, wherein the map corresponds to an area including the approximate geographic location of the communication device (Chern: Page 6, Paragraph 0074, lines 1 – 21 and Page 4, Paragraph 0053, lines 1 – 14).

Regarding claim 21, APA in view of Chern as applied above discloses receiving information from the user input device identifying a location of the communication device on the map (Chern: Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 14).

Regarding claim 22, APA in view of Chern as applied above discloses receiving from the system infrastructure, at least a request for an accurate geographic location of the communication device; displaying the request on the communication device; receiving from the user input device, the accurate geographic location of the communication device; and transmitting the accurate geographic location to the system infrastructure for subsequent delivery to the target device (Chern: Page 4, Paragraph 0051, line 1 through Paragraph 0053, line 14).

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 24, APA in view of Chern as applied above discloses displaying the map to the user (Chern: Page 3, Paragraph 0044, lines 1 – 21 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 14).

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Regarding claim 26, the claim is interpreted and rejected for the same reason as set forth in claim 7.

Regarding claims 31 and 34, the claims are interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 32, APA in view of Chern as applied above discloses receiving a map of an area that includes an approximate geographic location of the communication device; and storing the map in a memory of the communication device; wherein the step of displaying comprises the step of automatically displaying the map responsive to receiving the request and wherein the step of receiving the accurate geographic location comprises the step of receiving an indication on the map corresponding to a location of the communication device (Page 3, Paragraph 0043, line 1 through Paragraph 0047, line 16).

Regarding claim 33, APA in view of Chern as applied above discloses receiving from the system infrastructure, a request for an accurate geographic

location of the communication device and a map of an area that includes an approximate geographic location of the communication device; displaying at least the map on the communication device; receiving from the user input device an indication on the map corresponding to a location of the communication device; and conveying the location of the communication device to the system infrastructure for subsequent delivery to the target device (Chern: Page 3, Paragraph 0043, line 1 through Paragraph 0046, line 12 and).

Regarding claim 36, APA in view of Chern as applied above discloses a receiving for receiving, from a system infrastructure of a wireless communication system, at least a request for an accurate geographic location of the communication device; a display, operably coupled to the receiver, for displaying the request on the communication device; a user input device for receiving, from the user, information corresponding to the accurate geographic location of the communication device; and a transmitter, operably coupled to the user input device, for transmitting the accurate geographic location to the system infrastructure for subsequent delivery to a target device (handset unit having a transceiver, a display and user interface for performing the above functions; Chern: Page 2, Paragraph 0030, lines 9 – 11; Paragraph 0032, lines 1 – 9; Paragraph 0035, lines 1 – 20; Page 3, Paragraph 0046, line 1 through Paragraph 0047, line 5 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 3).

Regarding claim 37, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 38, the claim is interpreted and rejected for the same reason as set forth in claim 24

Regarding claim 39, APA in view of Chern as applied above discloses wherein the information corresponding to the accurate geographic location of the communication device comprises an indication on the map corresponding to a location of the communication device (Chern: Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 14).

Regarding claim 40, APA in view of Chern as applied above discloses wherein the user input device comprises at least one of a keypad, a computer mouse, a touchpad, a touchscreen, a trackball, and a keyboard (Chern: Page 2, Paragraph 0035, lines 1 – 20).

Regarding claim 41, the claim is interpreted and rejected for the same reason as set forth in claim 36.

Regarding claim 42, the claim is interpreted and rejected for the same reason as set forth in claim 40.

4. Claims 9, 10, 27 – 30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Chern as applied to claim 5 above, and further in view of Ellis et al. (US 5,699,255).

Regarding claim 9, APA in view of Chern as applied above does not specifically receiving information identifying a second approximate location of the communication device on the map and a request for a second map

corresponding to an area that includes the second approximate location, the second map being of a higher resolution than the map of the area that includes the approximate geographic location of the communication device, and wherein the method further comprises the step of transmitting the second map of the communication device. In an analogous art, Ellis remedies the deficiencies of the APA in view of Chern by disclosing such limitation whereas the user is able to select desired resolution level by transmitting a request to the communication system and can also zoom in or zoom out according to the user's needs and based on the request a new map is transmitted back to the user; Ellis: Col. 7, line 11 through Col. 8, line 56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Ellis to the modified system of APA in view of Chern in order to provide a user friendly and cost effective navigation system that is capable of tailoring location information provided to a user in conjunction with a GPS over a large area.

Regarding claim 10, APA in view of Chern and further in view of Ellis as applied above discloses receiving information from the user input device identifying a location of the communication device on the second map (Ellis: Col. 8, lines 21 – 51).

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 28, APA in view of Chern and further in view of Ellis as applied above discloses transmitting the second approximate location of the communication device and the request for the second map (Ellis: Col. 7, line 11 through Col. 8, line 56).

Regarding claim 29, APA in view of Chern and further in view of Ellis as applied above discloses receiving the second map; displaying the second map to the user; and receiving, from the user input device, an indication on the second map corresponding to a location of the communication device to produce the accurate geographic location of the communication device (Ellis: Col. 7, line 11 through Col. 8, line 56).

Regarding claim 30, APA in view of Chern and further in view of Ellis as applied above discloses transmitting a modified representation of the second map that includes the indication corresponding to the location of the communication device (Ellis: Col. 7, line 11 through Col. 8, line 56).

Regarding claim 35, APA in view of Chern and further in view of Ellis as applied above discloses determining an approximate geographic location of the communication device (APA: Page 1, lines 26 – 37); transmitting to the communication device, based on the approximate geographic location, at least a request for a more accurate geographic location of the communication device; receiving from the user input device of the communication device the more accurate geographic location; and conveying the more accurate geographic location to a target device (Chern: Page 2, Paragraph 0030, lines 9 – 11;

Paragraph 0032, lines 1 – 9; Paragraph 0035, lines 1 – 20; Page 3, Paragraph 0046, line 1 through Paragraph 0047, line 5 and Page 4, Paragraph 0052, line 1 through Paragraph 0053, line 3); receiving, from the user input device, an indication on the first map corresponding to a second approximate geographic location of the communication device, the second approximate geographic location being more accurate than the first approximate geographic location; conveying the second approximate geographic location and a request for a second map to the system infrastructure; receiving the second map from the system infrastructure, the second map corresponding to an area that includes the second approximate geographic location and being of a higher resolution than the first map; displaying the second map on the communication device; receiving from the user input device, an indication on the second map corresponding to a location of the communication device; and conveying the location of the communication device to the system infrastructure for subsequent delivery to the target device (Ellis: Col. 7, line 11 through Col. 8, line 56).

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 42 have been considered but are moot in view of the new ground(s) of rejection.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

9/15/06 de


GEORGE ENG
SUPERVISORY PATENT EXAMINER